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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17
18 DAVID LOFTON,

19 Plaintiff,

20 v.

21 ZURICH AMERICAN INSURANCE
22 COMPANY, a New York corporation,

23 Defendant.

24 Case No. 3:12-cv-03835-MMC

25
26 STIPULATION REGARDING TRANSFER
27 OF CASE FROM THE HONORABLE
28 JUDGE MARIA-ELENA JAMES AND
~~PROPOSED~~ ORDER

Second Amended
Complaint Filed: October 23, 2012
Trial Date: December 20, 2013

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND COUNSEL:

2 Plaintiff DAVID LOFTON and Defendant ZURICH AMERICAN INSURANCE
3 COMPANY (collectively, the "Parties"), by and through their counsel of record, hereby stipulate
4 and agree as follows:

5 WHEREAS, on or around November 2, 2012, the parties held an initial case management
6 conference before the Honorable Maxine M. Chesney at which time the Court scheduled the
7 dispositive motion filing cut off for this case for August 30, 2013.

8 WHEREAS, during the same case management conference, Judge Chesney referred this case
9 to Magistrate Judge Maria-Elena James for a settlement conference to be conducted in February
10 2013, her calendar permitting.

11 WHEREAS, a case settlement conference was originally scheduled before Judge James for
12 February, 2013 but was continued on a number of occasions such that the case management
13 conference is now scheduled to occur on September 4, 2013 – after this Court's deadline for the
14 filing of dispositive motions in this Case.

15 WHEREAS, in hopes of achieving settlement through such conference without burdening the
16 Court with a summary judgment motion, counsel for Defendant Zurich American Insurance
17 Company has informally communicated with the Honorable Joseph C. Spero's clerk and determined
18 that he has availability for a July 18, 2013 settlement conference.

19 IT IS NOW HEREBY STIPULATED AND AGREED that: for purposes of settlement
20 conference, the above action may and will be reassigned and transferred from the Honorable Maria-
21 Elena James to the Honorable Joseph C. Spero in order that the Parties may conduct a timely
22 settlement conference.

23 Dated: May 31, 2013

Respectfully submitted,

24 /s/ Aurelio J. Perez
25 Natalie E. Pierce
26 Aurelio J. Perez
27 LITTLER MENDELSON, P.C.
28 A Professional Corporation
Attorneys for Defendant ZURICH AMERICAN
INSURANCE COMPANY

1 I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS
2 ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN IT.

3 Dated: May 31, 2013

4 Respectfully submitted,

5 /s/ George J. Barron

6 George J. Barron
7 DONAHUE GALLAGHER WOODS LLP
8 Attorneys for Plaintiff
9 DAVID LOFTON

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Consistent with the Parties' Stipulation, notice regarding reassignment of this case and the reference to the Honorable Maria-Elena James is hereby withdrawn, and the above-titled action hearing date for the above-referenced settlement conference shall be forthcoming from the Court. is hereby referred to the Honorable Joseph C. Spero for purposes of conducting a settlement conference. The Settlement Conference shall be conducted in July 2013, his calendar permitting.

DATED: June 4, 2013

Maxine M. Chayey
The Honorable Maxine M. Chayey
United States Senior District Judge

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